

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 23963 of 1998**

Between:

S.Krishna Reddy, S/o. Bal Reddy.  
R/o. Mahaboobnagar.

**..... PETITIONER**

AND

- 1 The A.P.S.R.T.C., Rep.By Its Managing Director.,  
Musheerabad, Hyderabad.
- 2 A.P.S.R.T.C., Rep.By Its Regional MAnager,  
Mahaboobnagar.
- 3 A.P.S.R.T.C., Rep. Dy.Chief Traffic Manager.  
Mahaboobnagar.
- 4 A.P.S.R.T.C., Rep.By Its Depot Manager.  
Mahaboobnagar Depot, Mahaboobnagar.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the Proc.No.PA/20(43)/98-DYCTM MB/ dated 26/03/1998 passed by the 3rd Respondent in so far refusing to grant continuity of service, attendant benefits and back wages to the petitioner by rejecting the review petition by the 2nd Respondent vide order dated 05/06/98 as arbitrary, illegal, unjust, contrary to law, contrary to the circulars issued by the Corporation, violation of principles of natural justice, perverse and also in violation of Article 14, 16 and 21 of the Constitution of India, consequently direct the respondents to grant continuity of service, attendant benefits and back-wages to the petitioner in the interest of justice.

**Counsel for the Petitioner: MR.G.VIDYASAGAR**

**Counsel for the Respondents: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)**

**The Court made the following :**

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**ORDER:**

This writ petition is filed challenging the proceedings No.PA/20(43)/98 – DYCTM MB, dated 26-03-1998 of the third respondent-Deputy Chief Traffic Manager, Mahaboobnagar District, insofar as refusing to grant continuity of service, attendant benefits and back-wages to the petitioner.

2. It is the case of the petitioner that he was appointed as a driver in APSRTC and was attached to Mahaboobnagar Depot of Mahaboobnagar District. He had put in sixteen years of service. While so, when he was conducting the service bus on 21/22 of June 1997 on the route of Atmakur (night out service) at about 7.30 hours with a speed of 10 to 15 KMs. since the road was in a bad condition and due to mechanical defect, the vehicle was pulled to the right side and fell down into a tank. The petitioner was diligent and averted a major accident and danger to the lives of the passengers. For the above accident, the management has issued a charge-sheet dated 19-07-1997 stating that the petitioner had driven the service vehicle rash and negligently with a lack of anticipation and over-speed while performing the duty which resulted in the accident causing minor injuries to the passengers and also damage to the bus. The petitioner submitted explanation stating that he had driven the vehicle diligently and when the bus was proceeding with a minimum speed at 7.30 AM on the tank bund, the main and helper front right side was broken and the bus was pulled to right side due to which the bus fell down into the tank and accident took place. However, after conducting a detailed enquiry into the matter, the petitioner was removed from service on 18-03-1998. Aggrieved by the same, the petitioner filed an appeal before the Regional Manager, Mahaboobnagar on 23-03-1998 and the said appeal was disposed of on 26-03-1998 modifying the order of removal to that of reinstatement as a fresh driver and further holding that the petitioner is not entitled to count the previous service for any attendant benefits. Aggrieved by the same, the petitioner filed a review petition and the same was also dismissed. Hence, this writ petition.

3. The learned counsel for the respondents strenuously contended that there was lack of negligence on the part of the petitioner, which resulted in major accident. The appellate authority itself has shown some lenience and no further lenience can be

shown for granting any further relief in this writ petition.

4. I have given my earnest consideration to the submissions made by the counsel on either side. The learned counsel for the petitioner placed before this Court the report submitted by the Enquiry Officer in this case. The petitioner right from the day one has been saying that the main and helper front right side of the bus was broken, therefore the bus was pulled to right side due to which the bus fell down into the tank and only due to his diligence a major accident and damage was averted. In fact, during the course of enquiry, the petitioner, delinquent, had produced his witnesses to defend his case. The witnesses have deposed in their statements that when the vehicle was proceeding in a slow manner i.e., at 10 to 15 kmph on the tank bund, suddenly they heard some big sound and immediately the vehicle pulled at the right side of the road and in the meanwhile the delinquent-petitioner had alerted 'becareful, vehicle is falling into the tank' for which everybody was alerted. After falling of the vehicle, the delinquent-petitioner as well as the service conductor helped them a lot and provided medical aid. This itself would show that there was no negligence on the part of the petitioner while driving the bus on the tank bund on the unfortunate day. Though, the appellate authority noticed that on perusal of personal records the petitioner was appointed on 18-02-1983 and put in sixteen years of service in the organization, only reinstatement afresh was ordered and the entire service of sixteen years was denied for all purposes including attendant benefits and the retirement benefits etc. From the circumstances of the case, it is an inevitable accident, which occurred due to the mechanical failure of the bus, which was also admitted by the mechanical foreman, who was examined before the Enquiry Officer. In the circumstances of the case, I am of the considered opinion that the denial of entire service and attendant benefits is a harsh punishment for a person who had put in sixteen years long service and the petitioner though deserves some sort of punishment to be imposed not such a harsh punishment of denying the entire service rendered by him in the organization for all purposes.

5. In the result, the order passed by the appellate authority is modified to the effect that the petitioner is entitled for being reinstated into service with continuity of service, but without any back-wages and other attendant benefits.

6. With the above modification the writ petition is allowed to the extent indicated above. No order as to costs.

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C.V.RAMULU, J.

Dated 17-06-2005.

SKMR

Rule nisi is made absolute as above.

Witnesseth Hon'ble Sri Bilal Nazki, the Acting Chief Justice on Friday, the Seventeenth Day of June, Two Thousand and Five.

..... REGISTRAR

To

- 1 Managing Director, A.P.S.R.T.C.,  
Musheerabad, Hyderabad.
- 2 Regional MAnager, A.P.S.R.T.C.,  
Mahaboobnagar.
- 3 Dy.Chief Traffic Manager, A.P.S.R.T.C.,  
Mahaboobnagar.
- 4 Depot Manager, A.P.S.R.T.C.,  
Mahaboobnagar Depot, Mahaboobnagar.

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